

**JUDICIAL COUNCIL OF CALIFORNIA**  
**ADMINISTRATIVE OFFICE OF THE COURTS**  
455 Golden Gate Avenue  
San Francisco, California 94102-3660

**Report Summary**

TO: Members of the Judicial Council

FROM: Family and Juvenile Law Advisory Committee  
Hon. Mary Ann Grilli and Hon. Michael Nash, Co-chairs  
George Nielsen, 415-865-7670; Bonnie Hough, 415-865-7668;  
Ruth McCreight, 415-865-7666

DATE: March 30, 2000

SUBJECT: Request to Set Aside Voluntary Declaration of Paternity (adopt Forms 1296.77, 1296.78, and 1296.79; adopt Cal. Rules of Court, rule 1280.10) (Action Required)

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Issue Statement

The Judicial Council is required by Family Code section 7575(c)(6) to develop forms and procedures to effectuate Family Code section 7575(c), which provides a process for the set aside of voluntary declarations of paternity. The proposed forms and rule would satisfy the requirements of Family Code section 7575(c)(6).

*The Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity and the Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity* were originally circulated for comment in the summer of 1999. The forms cited Family Code section 2120 in describing certain grounds for bringing the request to set aside a voluntary declaration of paternity. Those forms were adopted in the last cycle but were subsequently revoked, revised, and recirculated for comment as a result of legislation that removed Family Code section 2120 as a basis for setting aside voluntary declarations of paternity.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective July 1, 2000, adopt the following forms and rule:

1. Form 1296.77, *Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity (Family Law—Uniform Parentage—Governmental)*, to request the set aside of a voluntary declaration of paternity.
2. Form 1296.78, *Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity (Family Law—Uniform Parentage—Governmental)*, to respond to a request to set aside a voluntary declaration of paternity.

3. Form 1296.79, *Order After Hearing on Motion to Set Aside Voluntary Declaration of Paternity (Family Law—Uniform Parentage—Governmental)*, for the order resulting from the hearing on the set aside of the voluntary declaration of paternity.
4. Rule 1280.10 of the California Rules of Court, regarding procedures for hearings to set aside voluntary declarations of paternity when no previous action has been filed. This rule explains the procedure for the creation of a court file upon the filing of a request for hearing when there is no prior action between the parties.

#### Rationale for Recommendation

Whenever a child is born in California to unmarried parents, the hospital must provide the natural mother and any man identified as the natural father with a voluntary declaration of paternity along with informational materials. (Fam. Code, § 7571.) A completed voluntary declaration of paternity has the same force and effect as a judgment for paternity issued by a court of competent jurisdiction and is recognized as a basis for the establishment of an order for child custody, visitation, or child support. (Fam. Code, § 7576.) These forms are currently executed in over 70 percent of births to unmarried parents in California.

A parent can make a request to set aside a voluntary declaration of paternity based upon any of the reasons set forth in section 473 of the Code of Civil Procedure, plus fraud, perjury, or equitable grounds. (Fam. Code, § 7575(c).) If the voluntary declaration of paternity is set aside, the court must order that the mother, child, and alleged father submit to genetic tests to determine parentage.

The proposed forms and rule are necessary to comply with the requirement of Family Code section 7575(c)(6) that the Judicial Council develop forms and procedures to enable litigants to file and respond to motions to set aside voluntary declarations of paternity.

#### Alternative Actions Considered

Because there are presently no forms or rules to accomplish what is required by Family Code section 7575(c)(6), no alternative actions were considered.

#### Comments From Interested Parties

The forms were circulated for comment December 23, 1999, as item W00-13. In addition to the standard mailing list used for soliciting comments, the proposal was sent to all family law facilitators, child support commissioners, district attorney family support divisions, and the Department of Social Services, as well as to the numerous attorneys and organizations throughout the state with a focus on family law. Responses were received from 29 commentators, none of whom disagreed with the need for the forms. The comments were mainly suggestions to improve the format and clarity of the forms.

Staff members analyzed all of the comments and made recommendations, which were considered by the Family and Juvenile Law Advisory Committee. A comprehensive table summarizing the comments and the committee's responses is attached, beginning at page 14.

#### Implementation Requirements and Costs

Following established procedures, camera-ready copies of the forms will be delivered to the courts and to commercial Judicial Council forms publishers. The courts will make copies available to the public. In addition, copies of the forms will be posted to the California Courts Web site. There are no costs additional to the normal costs courts incurred in providing forms.

The texts of the proposed forms and rule are attached at pages 4–13.

**Comments for**  
**Request to Set Aside Voluntary Declaration of Paternity**  
 (Cal. Rules of Court, rule 1280.10 and forms 1296.77, 1296.78, and 1296.79)

	<b>Commentator</b>	<b>Position</b>	<b>Comment on Behalf of Group</b>	<b>Comments</b>	<b>Committee Response</b>
1.	John Chemeleski Commissioner Los Angeles County Bar, Family Law Section	N	Y	a) Form 1296.79, <i>Order After Hearing On Motion to Set Aside Voluntary Declaration of Paternity</i> 1) Suggest adding option boxes for paragraphs 4 and 5 and the text that follows those numbers. If box 3a is checked, denying the motion, it would not be necessary to order genetic testing or set a further hearing. Otherwise, the judicial officer would have to cross out paragraphs 4 and 5 when denying such a motion.	a)  1) Agree; see revised items 4 and 5.
2.	Patty McCrea Court Services Supervisor Riverside Superior Court, Juvenile Div.	Y		a) Rule and forms are being established as directed by Family Code 7575(c)(6). Impact will be felt predominantly in the Family Law Div. and by the family law facilitator, since the forms direct the party seeking to set aside the order to the facilitator if they need assistance.	a) Agree.
3.	Cathie Rouse Superior Court Clerk II San Luis Obispo Superior Court	A		a) The information for <i>Request for Hearing</i> was easy to understand and explained how to fill out Form 1296.77 in detail.	
4.	Deborah DeMarchi Facilitator Mendocino County Superior Court	A		a) Agree.	

5.	Laura Masunaga Commissioner Siskiyou County Superior Court	A		a) Agree.	
6.	Marisol Alcantar Legal Assistant, Family Law Facilitator Kern County Superior Court			a) Will someone be able to initiate an action with the <i>Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity?</i>	a) Yes. See rule 1280.10(c)
7.	Carla Khal Facilitator Tulare County Superior Court	AM		a) Rule 1280.10, paragraph (f), is an incomplete sentence.	a) Agree. See revised rule, subsection (f).
8.	Cathy Scoggin Title 4-D Courtroom Clerk Yolo County Superior Court	N		a) Agree, if the file can be used for subsequent filings such as child support establishment and judgments. b) Disagree, if the courts are going to have to house yet another separate file. The courts do not need yet another duplicated file, as there are enough family law cases to cross-refer when pulling calendars. Should the defendant wish to set aside they can already do so in an OSC/NOM in the family law case.	a) Agree. b) Disagree, as file can be used for subsequent filings. Judicial Council required to develop these forms by Family Code section 7575(c)(6).
9.	Norma Castellanos-Perez Commissioner Tulare County Superior Court	A		a) Rule 1280.10 seems appropriate. 1) Paragraph (f) seems to be an incomplete sentence. Suggest adding at the end of the sentence “may be filed in this same court file.”	a) 1) Agree; see revised rule, subsection (f).
10.	Terrie Jarrett Legal Process Clerk II Calaveras County Superior Court	A		a) Agree.	
11.	David Jetton Court Manager Los Angeles Superior Court	AM		a) Form 1296.79 conflicts with rule 1280.10(e). 1) The form directs the petitioner to send a copy of the order to CDSS, while the rule directs the clerk to send a copy. Suggest changing the rule to conform to the form so that the	a) 1) Agree that there’s a conflict. See revised Form 1296.79, item 7.

				burden is on the petitioner to send notice.	
12.	Phrasel L. Shelton Rules Committee Chair San Mateo County Superior Court	A		a) Agree.	
13.	Deborah Mullin Family Law Facilitator Santa Barbara County Superior Court	AM		a) Rule 1280.10 1) Paragraph (c) could have a timing problem for service—26 days in California, 31 days out of state. 2) Paragraph (d) doesn't specify the manner in which notice is to be given or refer to CCP sections for notice procedure. 3) Paragraph (f) is not a complete sentence.	a) 1) Agree; see revised rule, subsection (c). 2) Agree; see revised rule, subsection (d). 3) Agree; see revised rule, subsection (f).
14.	Judith E. Harding Chair Family Law Section, Bar Association of San Francisco	AM	Y	a) <i>Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity</i> 1) There are very different procedures for setting aside voluntary declarations of paternity as compared to setting aside actual judgments of paternity. The <i>Request for Hearing and Application</i> , as drafted, is certain to confuse anyone who tries to complete the form. For example, in number 5, the form asks whether there is a judgment or order for paternity in place. A person filling out this form could reasonably conclude that this was the form necessary to apply for a setting aside of a judgment of paternity. This is certainly not the case. Suggest that either the form should be redrafted to be a form that can accomplish either goal, or all the language in number 5 should be eliminated. Suggest that there should be two boxes on the form at the top. One box should indicate that the motion is to set aside a judgment of paternity, and the	a) 1) Disagree; these forms are intended to (solely) satisfy the requirements of Family Code section 7575(c).

				<p>other box should be the request for hearing to set aside voluntary declaration of paternity. If this were done, then paragraph number 3 should be changed to include a request to set aside a judgment of paternity. The form should state at paragraph 3, “I request that the voluntary declaration of paternity or the judgment of paternity be set aside. I understand that if my request to set aside is granted, genetic tests will be ordered.” It was a good idea to commit this kind of motion to Judicial Council forms in the interest of simplicity and facilitating the motion for litigants who might not be sophisticated. The <i>Responsive Declaration to Application to Set Aside Voluntary Declaration of Paternity</i> should be changed to include the possibility that it is a responsive declaration to application to set aside a judgment of paternity. The <i>Order After Hearing</i> needs to be changed to include the possibility that the application or motion was designed to set aside a judgment of paternity. Language needs to be added to both the foregoing forms to include the possibility of setting aside of judgment.</p>	
15.	Christine Copeland Family Law Facilitator Santa Cruz County Superior Court	AM		<p>a) Rule 1280.10</p> <ol style="list-style-type: none"> <li>1) Subsection (b), line 2, what order is being referred to?</li> <li>2) Subsection (f) is an incomplete sentence. Add “shall be used in subsequent proceedings.”</li> </ol> <p>b) Form 1296.77</p> <ol style="list-style-type: none"> <li>1) Item 2, add: <input type="checkbox"/> or not attached because_____</li> <li>2) Item 7, add: <input type="checkbox"/> Mother <input type="checkbox"/> Father</li> </ol>	<p>a)</p> <ol style="list-style-type: none"> <li>1) Agree that “order” is not the correct word; see revised subsection (b).</li> <li>2) Agree that subsection (f) needs to be revised.</li> </ol> <p>b)</p> <ol style="list-style-type: none"> <li>1) Agree.</li> </ol>

				<input type="checkbox"/> Children receive welfare in _____ County 3) Change item 7 to item 8. c) Information Sheet for Rule 1296.77 1) On page 3, paragraph 2, line 3, add after the fourth sentence, "Someone other than you, who is at least 18 years old, must serve the other parties." d) Information Sheet for Rule 1296.78 1) In second paragraph: "Court clerk will not file until you show a proof of service (serve, then file original)." 2) Change "5 court days" to "10 calendar days." e) Form 1296.79 1) Item 4, add: <input type="checkbox"/> Mother shall pay \$_____ for testing <input type="checkbox"/> Father shall pay \$_____ for testing <input type="checkbox"/> Mother <input type="checkbox"/> Father shall contact <input type="checkbox"/> (lab) to arrange testing	2) Disagree; information is confidential.  3) Disagree; there is no item 8. c) 1) Agree. See revisions.  d) 1) Disagree. Practices vary.  2) Agree. e) 1) Disagree. Practices vary throughout the state.
16.	Joy Lazo Research Attorney San Diego County Juvenile Court	AM		a) Rule 1280.10 1) Paragraph (a): Delete "(1)" at the end of the sentence. 2) Paragraph (b), line 2: Suggest changing the word "order" to "declaration." 3) Paragraph (d): Change the language to conform to the form title. 4) Paragraph (f) is an unclear statement. b) Instruction Sheet for Form 1296.77 1) Change the "Cal. Rules of Court, rule 1296.77" to "Judicial Council Form 1296.77" 2) In the second paragraph, line 5, add "Request for Hearing and" before "Application to Set Aside. . . ." 3) Change all that says "Front page" to "Page one."	a) 1) Agree.  2) Agree.  3) Agree.  4) Agree. b) 1) Disagree. The form is a rule.  2) Disagree. The name of the form is correctly stated.  3) Agree.



				c) Instruction Sheet for Form 1296.78 1) Change the “Cal. Rules of Court, rule 1296.78” to “Judicial Council Form 1296.78.” 2) Change all that says “Front page” to “Page one.” 3) In instructions for numbered paragraph 1, line 2, change the word “people” to “of the persons.”	c) 1) Disagree. The form is a rule. 2) Disagree. Reference to “front page” was deleted, as Form 1296.78 takes up just one side of one page. 3) Agree.
17.	Robert Krotzer Family Law Manager San Diego County Superior Court	A		a) Agree.	
18.	Keri Griffith Court Program Manager Ventura County Superior Court	AM		a) Rule 1280.10 1) Page 4, subsection (f): Add at end of line 3, “shall proceed in the same court file.” b) Form 1296.77–78 (Information Sheets) 1) Pages 9 and 11: Delete “a” from instructions regarding signing under penalty of perjury c) Form 1296.79 1) Page 12: The language in 7 requiring the petitioner to mail is in conflict with the attached rule 1280.10(e), which states that the clerk will mail. 2) Bottom of page 12, stating, “Approved as conforming to court order, etc.,” is unnecessary and should be removed.	a) 1) Agree that (f) needs to be revised. b) 1) Agree. c) 1) Agree; language was changed to require the clerk to do the mailing. 2) Disagree.
19.	Tressa S. Kentner Court Executive Officer San Bernardino County Superior Court	A		a) Agree.	
20.	Arnold H. Gold Rules Committee Chair Los Angeles County Superior	A	Y	a) Form 1296.79 1) In view of the fact that the contents of paragraphs 4 and 5 of proposed Form	a) 1) Agree; see revised items 4 and 5.

	Court			1296.79 apply only if the court sets aside the voluntary declaration of paternity, there should be a box between the number of the paragraph and the words that currently follow the paragraph numbers.	
21.	Merry Mayes Court Services Coordinator Stanislaus County Superior Court	AM		a) Needs a <i>Proof of Service</i> . If you want to keep this <i>Request for Hearing</i> in line with the RHH on wage assignment, it should have different instructions regarding service, and the clerk of the court would mail it after assigning a date. (Do you need or want to state on the instructions what county to file in, i.e. “the county you live in”?)	a) Disagree. Parties can use standard <i>Proof of Service</i> .
22.	Joe Fabrizio Los Angeles County Superior Court	AM		a) Rule 1280.10 1) Under section 7620 of the Family Code, in actions brought to establish parentage, the court records and hearings are generally confidential. Proceedings to set aside voluntary declarations under section 7575 Family Code do not appear to be covered by section 7620 or a similar provision. The Judicial Council may wish to consider the necessity for a confidentiality provision in rule 1280.10. This will be especially important should a paternity case be subsequently initiated in an existing case, which set aside the voluntary declaration of paternity, as appears to be allowed under paragraph (f) of the proposed rule. 2) The wording under paragraph (f) isn’t all that clear as to whether using the existing file is required or optional. b) Form 1296.79 1) Paragraph 7 of the <i>Order After Hearing</i> form requires the petitioner to mail a copy of a set-aside to the CDSS Program Assistance	a) 1) The statute does not require these filings to be confidential.  2) Agree; see revised (f).  b) 1) <i>Order After Hearing</i> to be sent by clerk only. See revised form 1296.79, item 7.

				<p>Bureau. Paragraph (e) of the rule requires the clerk to mail a copy of the set-aside order to the Department of Social Services. Is this the same place? And if it is, do clerks need to duplicate the mailing?</p> <p>c) Form 1296.77</p> <p>1) Recommend that Judicial Council consider adding a certificate of mailing on the back side of the form which the clerk may utilize to complete the aforementioned mailing if required</p>	<p>c)</p> <p>1) Disagree. Parties can use standard <i>Proof of Service</i>.</p>
23.	Margaret Little Los Angeles County Superior Court	AM		<p>a) Rule 1280.10</p> <p>1) Page 4, lines 1–3: Something appears to have been omitted.</p>	<p>a)</p> <p>1) Agree. See revised subsection (f).</p>
24.	Michael T. Sciorra Chairperson Family Support Council Forms Committee	AM	Y	<p>a) Form 1296.77</p> <p>1) Item 4: “Grounds for this request are (check boxes that apply and explain in item 7 on the next page).”</p>	<p>a)</p> <p>1) Agree.</p>
25.	Rita G. Mah Family Law Facilitator San Mateo County Superior Court	A		<p>a) Form 1296.65</p> <p>1) Will the form be amended to include a box to request to set aside voluntary declaration of paternity as well?</p> <p>b) Rule 1296.77</p> <p>1) Suggest changing the information at the top of the caption to “your name and address or attorney’s name and address” (as on the Financial Statement).</p> <p>2) Suggest deleting the word “state” before “child’s” in line 2.</p> <p>3) Suggest adding the phrase “state facts justifying any delay:” in 5c.</p> <p>4) In page 4, can the details in the instructions be included on page one? It is easier to follow a complete form.</p>	<p>a)</p> <p>1) No, but could be considered in a future cycle.</p> <p>b)</p> <p>1) Disagree.</p> <p>2) Agree.</p> <p>3) Agree; added to instructions.</p> <p>4) Disagree. Forms need to be as concise as possible. The Information Sheet is for more detailed information.</p>

26.	Amy Silva Dir., Family Law Operations Orange County Superior Court			a) On the order form after item 3, suggest adding a box or a provision to say, “The judgment or order for paternity is set aside” if the court should make that order.	a) Disagree. Setting aside judgment is appropriate only after results of blood test.
27.	Cynthia Denenholz Court Commissioner, Superior Court of California, County of Sonoma	AM		<p>a) Form 1296.78</p> <p>1) Page 2, line 1 of paragraph 2: The responsive declaration must be filed 10 calendar days before the hearing per CCP 1005, as amended 1/2000.</p> <p>b) Rule 1280.10</p> <p>1) Paragraph (b): Change to conform to form title</p> <p>2) Paragraph (d): Change to conform to form title. The instructions state child support agency should be served if it is providing services. Should that requirement be added to the rule?</p> <p>3) Paragraph (e): Suggest changing the word “made” to “written” and “Application” to “Motion.” Form may be titled incorrectly, but change to conform to form title.</p> <p>4) Paragraph (f) is not a sentence, as there is no verb. Suggest rewording to “Any subsequent proceedings...shall/shall not (or may/may not) be filed in the court file initiated by the filing of the <i>Request for Hearing and Application to Set Aside Voluntary Declaration of Paternity.</i>” OR “Any subsequent proceeding. . . . shall/shall not (or may/may not) be filed in the voluntary declaration of paternity court file.”</p> <p>c) Information Sheet for Form 1296.77</p> <p>1) In paragraph 5, are the county government offices the proper venue if there is no court order? The county in which the declaration</p>	<p>a)</p> <p>1) Agree.</p> <p>b)</p> <p>1) Agree.</p> <p>2) Agree.</p> <p>3) Agree.</p> <p>4) Agree that (f) needs to be revised.</p> <p>c)</p> <p>1) Statute does not designate venue. County of residence of moving party would be most convenient forum.</p>

				was signed or the county of the other person's residence may be the proper venue.	
28.	Robert Waring Legislative Counsel California Judges Association			<p>a) Form 1296.77</p> <ol style="list-style-type: none"> <li>1) Number 2: Concerns that applicants will not possess a copy of the declaration and that adding a check box stating that there is no copy will discourage any efforts to obtain one.</li> <li>2) Numbers 3 and 4: Suggest adding a space to allow a place to write in "Blood testing has already been done and I am not the father," along with "Please attach a copy of the test results."</li> <li>3) Number 5: Suggest that the use of the word "entered" may confuse many applicants as to what date to put. Suggest replacing "entered" with "filed" or "file stamped by the clerk" for clarity.</li> <li>4) Number 6: Suggest asking the applicant if a DA has set child support for this child; if so, the applicant must provide the county name and case number. If a DA has set support, a judgment that the applicant is the father would be on record.</li> </ol> <p>b) Instruction Form</p> <ol style="list-style-type: none"> <li>1) Concerns with declarations signed less than 60 days ago, and suggest referring those cases to the facilitator.</li> <li>2) Last sentence in paragraph 1: Thought that there was a 2-year statute to set aside judgments of paternity <i>UNLESS</i> it was made following a voluntary declaration, and then the period extended to 3 years. Applicants should at least be told to contact the facilitator</li> </ol>	<p>a)</p> <ol style="list-style-type: none"> <li>1) Agree; see revised item 2.</li> <li>2) Disagree; would not comply with statute.</li> <li>3) Disagree.</li> <li>4) Disagree. Existence of child support order is relevant only if declaration of paternity is set aside.</li> </ol> <p>b)</p> <ol style="list-style-type: none"> <li>1) Disagree. Parents are given information sheet with voluntary declaration of paternity, with instructions on how to rescind declaration within 60 days.</li> <li>2) Disagree.</li> </ol>

				<p>to clarify this point.</p> <p>3) After the second paragraph, language should be included which tells applicants that this three copy process holds true for anything they file with the court. In addition, the paragraph should include language instructing applicants to file their <i>Proof of Service</i>, or at least to bring it to court when they come.</p> <p>4) Instruction Form, page 4 of 5: Applicants should be told under number 1 to obtain a hearing date before they serve the papers.</p> <p>5) Number 4 should also include language such as “You were told you were the father” and, “There has been paternity testing which shows you were not the father. If so, attach a copy of that testing.”</p> <p>6) Number 6 should add, “or there is a district attorney that you pay child support based upon the other parent’s request for support or welfare.”</p> <p>7) Number 7 should ask for all of the reasons numbers 4 <i>AND/OR</i> 5 were checked.</p> <p>c) Form 1296.78</p> <p>1) As to the response form, the instruction sheets need to have the same changes made to paragraph 2.</p> <p>d) Form 1296.79</p> <p>1) Number 3b should provide a checklist of reasons set out in the application with “Genetic testing shows_____ not to be the father,” added to the list.</p> <p>2) Number 4 should tell applicants where to go for testing or to arrange the testing and that they must comply with the arrangements made, or whom to contact to get the testing</p>	<p>3) Agree regarding filing of <i>Proof of Service</i>.</p> <p>4) Agree.</p> <p>5) Disagree. Moving party could be the mother.</p> <p>6) Disagree.</p> <p>7) Disagree, but see revised item 7.</p> <p>c)</p> <p>1) Agree as to revisions actually made.</p> <p>d)</p> <p>1) Disagree.</p> <p>2) Disagree. Practices vary throughout the state.</p>
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29.	Kristy Johnson Child Support Statewide Systems Bureau			<p>a) Form 1296.77</p> <ol style="list-style-type: none"> <li>1) Item 4: Grounds for this request are (check <del>one</del> <u>the boxes that apply and explain in item 7 on the next page</u>):</li> <li>2) Item 4b: Fraud or perjury, <del>duress, mental incapacity, mistake of fact or law, (Fam. Code, section 2120 et seq.)</del> <u>inducing me to sign the voluntary acknowledgment of paternity (explain in item 7 on page 2)</u></li> <li>3) Item 4c: <del>Equitable grounds.</del> <u>Other (specify):</u></li> <li>4) Item 5c: Delete.</li> <li>5) Item 6: There is no judgment or order <u>issued by a court or administrative agency</u> for paternity...</li> <li>6) Page 4, Instructions: Paragraph 4b (second bullet): You signed the voluntary declaration because of <u>someone's fraud or perjury. If you check this box, explain in item 7 why you believe there was fraud or perjury.</u></li> <li>7) Paragraph 4c: Check this box if <del>none</del> <u>neither</u> of the circumstances. . . . but you believe <del>it would be reasonable and fair</del> <u>there are other reasons</u> to set aside the voluntary declaration of paternity, <del>and you are filing your request to set aside as quickly as possible.</del> <u>Explain your reasons.</u></li> <li>8) Paragraph 5b (last line):. . . voluntary declaration of paternity because of <u>fraud or perjury.</u></li> <li>9) Paragraph 5c: Delete.</li> </ol> <p>d) Form 1296.79</p> <ol style="list-style-type: none"> <li>1) Item 1: Change "Judge" to "Judicial Officer"</li> </ol>	<p>a)</p> <ol style="list-style-type: none"> <li>1) Agree.</li> <li>2) Disagree. Duress, etc., already deleted from form. "Inducing me to sign..." unnecessary, as terms are clear enough and moving party has to explain situation in item 7.</li> <li>3) Agree.</li> <li>4) Disagree. Item #5 needs to parallel item 4.</li> <li>5) Agree.</li> <li>6) Disagree. See response to a)4) above.</li> <li>7) Agree.</li> <li>8) Disagree. Term already explained on form.</li> <li>9) Disagree. See response to (a)(4) above.</li> </ol> <p>d)</p> <ol style="list-style-type: none"> <li>1) Agree.</li> </ol>

				<p>and delete “Temporary Judge” and its check box.</p> <p>2) Item 6:...paternity is set aside, the <del>petitioner</del> <u>clerk</u> shall send a copy...</p> <p>3) Item 8: After “Other” add “(specify):”</p>	<p>2) Agree.</p> <p>3) “Specify” is already on the form.</p>
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